

CASE HA769 DIV1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

YU ET AL.

Examiner: Rita J. Desai

APPLICATION NO: 10/696,761

Art Unit 1625

FILED: October 29, 2003

FOR: COMPOUNDS USEFUL AS MODULATORS OF MELANCORTIN
RECEPTORS AND PHARMACEUTICAL COMPOSITIONS
COMPRISING SAME

Assistant Commissioner for Patents
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Bristol-Myers Squibb Company, a Delaware corporation, having a place of business at Lawrenceville-Princeton Road, Princeton, NJ 08543-4000, represents that it is the assignee and owner of the entire interest in the above-identified divisional application by virtue of an assignment to the parent application which was recorded in the United States Patent and Trademark Office on August 9, 2002 at Reel/Frame 012969/0954.

Bristol-Myers Squibb Company hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, of prior **Patent No. 6,713,487** issued March, 30 2004, also assigned to Bristol-Myers Squibb Company by virtue of the assignment mentioned above.


Bristol-Myers Squibb Company hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and prior **Patent No. 6,713,487** are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Bristol-Myers Squibb Company does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of prior Patent No. **6,713,487**, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 6th day of May 6, 2005 by the undersigned attorney of record.

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